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26...pages including cover sheet.

PERSON TO:	COMPANY/DEPT TO:	FAX NUMBER:
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Office of Petitions

United States Patent and Trademark Office

703 308 6916

PERSON FROM:	COMPANY/DEPT FROM:	FAX NUMBER:
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William P. Ramey III

Intervet, Millsboro  
Patent Department

302 934 4305

RE: USSN 09/766,043

Attorney Docket Number 2000.690 US PD

Shepard, Scott T

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Please accept the documents that follow in the above-identified application:

**PETITIONS OFFICE**

Fax Transmittal (1 page)

Petition Under 37 C.F.R. 1.181 to Correct Application Papers (4 pages)

Exhibit 1 – Declaration (3 pages)

Exhibit A – Notice to File Missing Parts (1 page)

Exhibit B – Updated filing receipt of June 25, 2001 (3 pages)

Exhibit C – Request for Status (4 pages)

Exhibit D – Notice of Abandonment of October 22, 2003 (1 page)

Response to Files Corrected Application Papers (3 pages)

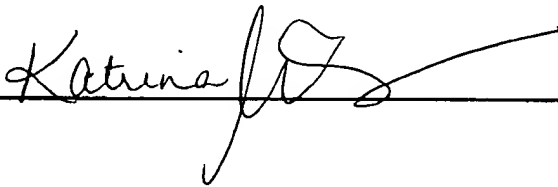
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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below:

On: November 4, 2003

Signature



Typed or Printed Name KATRINA MEARS

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NOV 04 2003

PETITIONS OFFICE

Shepard, Scot T.

USSN 09/766,043

Attorney Docket Number 2001.690 US PD

Petition Under 37 C.F.R. 1.181 to Correct Application Papers (4 pages)

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Exhibit C – Request for Status (4 pages)

Exhibit D – Notice of Abandonment of October 22, 2003 (1 page)

Response to Files Corrected Application Papers (3 pages)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of:

SHEPARD, SCOT T.

Serial Number: 09/766,043

Group Art Unit: 1632

Filed: January 19, 2001

Examiner: To be assigned

For: METHODS AND COMPOSITIONS FOR EXTRACTING PROTEINS FROM CELLS

**Petition Under 37 CFR §1.181 to Correct Application Papers**

Assistant Commissioner of Patents  
Alexandria, VA 22313

November 4, 2003

Dear Sir:

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**NOV 04 2003**

**PETITIONS OFFICE**

**I. Introduction**

Applicants respectfully petition the Commissioner to withdraw the Notice of Abandonment and allow the application to be examined. Further Applicants petition the Commissioner for a term extension, in light of the serious delays encountered during prosecution of this case that were not at the fault of the Applicants or their attorneys. Please charge any required fees and credit any credits to deposit account 02-2334.

## II. Petition

### A. Background Facts

1. On or about January 19, 2001, Application serial number 09/766,043, titled METHODS AND COMPOSITIONS FOR EXTRACTING PROTEINS FROM CELLS, was filed in the United States Patent Office. See Exhibit 1; Declaration William P. Ramey, III, ¶1-2.
2. On or about March 29, 2001, the Patent Office issued a Notice to file Missing Parts. Applicants submitted the missing Declaration on or about May 29, 2001 with the required surcharge. See Exhibit 1, ¶3.
3. A Corrected Filing Receipt issued on June 25, 2001. The Filing Receipt indicated that all papers had been received by the Patent Office. See Exhibit 1, ¶4.
4. After the passage of about 18 months, Applicants filed a Request for Status. See Exhibit B, Request for Status. To date, no reply has been received in regards to the Request for Status. See Exhibit 1; ¶4-5.
5. On or about October 22, 2003, a Notice of Abandonment was issued by the Patent Office. The Notice was received thereafter by Applicants' attorney, Mr. Ramey. See Exhibit 1, ¶5.
6. Mr. Ramey contacted the Office of Petitions, at the phone number on the Notice of Abandonment, and spoke with a Ms. Shirene Willis. See Exhibit 1; ¶6. Ms. Willis very graciously offered to assist Mr. Ramey by looking further into the matter. See Exhibit 1; ¶7.
7. On or about November 3, 2003, Mr. Ramey again spoke with Ms. Willis. Ms. Willis had obtained the application file and told Mr. Ramey that a Notice to File Corrected Application Papers was mailed from the Patent Office on or about February 18, 2003. See Exhibit 1; ¶8. Ms. Willis stated that the Notice was mailed to William P. Ramey, 405 States Street, P.O. Box 318, Millsboro, DE 19966-0318. See Exhibit 1; ¶9.
8. To date, Mr. Ramey has not received the Notice to File Corrected Application Papers. See Exhibit 1; ¶10. Mr. Ramey was unaware that any document was required by the Patent Office.

9. Ms. Willis recommended that Mr. Ramey file a Petition under 37 CFR §1.181 stating that the application papers were never received. See Exhibit 1; ¶11. Applicants hereby comply.
10. Accordingly, Applicants are filing this petition. The petition includes the Declaration of William P. Ramey, III, to establish the facts. Further, in the subsequent paragraphs, Applicants establish that adequate policies and procedures exist at Mr. Ramey's office to process the mail. As well, Applicants respectfully submit the Abstract as a separate submission along with this Petition. Lastly, Applicants make a request to have the Notice of Abandonment rescinded the instant application examined.
11. There are adequate policies and procedures in place at Mr. Ramey's office to process the mail. Mail is delivered to a Post Office Box by a U.S. Postal Carrier. An employee at Mr. Ramey's office collects all the mail from the Post Office Box and takes the mail to the shipping department. Once in the shipping department, the mail is distributed to the Patent Department mailbox. The patent department paralegal then collects the mail from the mailbox and processes it in the patent department. There are adequate policies and procedures at Mr. Ramey's office to process the mail. See Exhibit 1; ¶11.

#### **B. Argument and Request**

The Declaration of William P. Ramey, III establishes that the Notice to File Corrected Application Papers of February 18, 2003 was never received by Applicants' attorney, even though appropriate policies and procedures exist to process the mail at Mr. Ramey's office. Therefore, no reply could have been made to the Notice to File Corrected Application Papers of February 18, 2003.

Moreover, the Request for Status mailed December 19, 2002 by Applicants' attorney was never properly responded to by the Patent Office. Accordingly, Applicants had no reason to believe or expect that the application had an outstanding action. Applicants exercised all

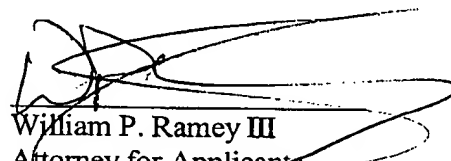
reasonable diligence in the prosecution of the case. Therefore, Applicants respectfully request withdraw of the Notice of Abandonment and examination of the case. In a further sign, Applicants have submitted, as a separate submission with this petition, an Abstract.

Further, in light of the almost 35 months that this application has been pending, Applicants respectfully request a term extension to be added on allowance of this case.

### III. Conclusion

In conclusion, Applicants respectfully petition the Commissioner to withdraw the Notice of Abandonment and allow the application to be examined. Further Applicants petition the Commissioner for a term extension, in light of the serious delays encountered during prosecution of this case that were not at the fault of the Applicants or their attorneys. Further, the application is believed in a condition for allowance and such action is respectfully requested. Should the Commissioner feel an interview would facilitate the processing of this petition, Applicants invite the Commissioner to contact the undersigned attorney. Please charge any required fee and credit and credits to deposit account 02-2334.

Respectfully submitted,



William P. Ramey III  
Attorney for Applicants  
Registration No. 44,295

Attorney Docket NO. 2001.690 US

Akzo Nobel Pharma Patent Department  
405 State Street  
P.O. Box 318  
Millsboro, DE 19966  
Tel: (302) 933-4034  
Fax: (302) 934-4305  
2001.690 US PD

# Exhibit 1

---

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of:

SHEPARD, SCOT T.

Serial Number: 09/766,043

Group Art Unit: 1632

Filed: January 19, 2001

Examiner: To be assigned

For: METHODS AND COMPOSITIONS FOR EXTRACTING PROTEINS FROM CELLS

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NOV 04 2003

PETITIONS OFFICE

**DECLARATION OF WILLIAM P. RAMEY, III**

1. I, William P. Ramey, III, residing in Delaware, state that the following is true and correct to the best of my knowledge, under penalty of perjury. These statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 USC and that such willful false statement may jeopardize the validity of the instant patent application or any patent issuing thereon. I am a patent attorney for Akzo Nobel NV.
  2. On or about January 19, 2001, Application serial number 09/766,043, titled METHODS AND COMPOSITIONS FOR EXTRACTING PROTEINS FROM CELLS, was filed in the United States Patent Office. I represent Akzo Nobel NV before the Patent Office in regards to this application. I am very familiar with its contents.
  3. On or about March 29, 2001, the Patent Office issued a Notice to file Missing Parts. See Exhibit A, Notice to File Missing Parts. Applicants submitted the missing Declaration on or about May 29, 2001, with the required surcharge.
  4. A Corrected Filing Receipt issued on June 25, 2001. The Filing Receipt indicated that all papers had been received by the Patent Office. See Exhibit B, Corrected Filing Receipt.
  5. After the passage of about 18 months, Applicants filed a Request for Status. See Exhibit C,
-



Request for Status. To date, no reply has been received in regards to the Request for Status. Accordingly, until recently, I was unaware of any requirement from the Patent Office.

6. On or about October 22, 2003, a Notice of Abandonment was issued by the Patent Office. I received the Notice thereafter. See Exhibit D. The Notice stated that we had failed to reply. However, we never received a communication from the Patent Office in regards to this application.
7. I then contacted the Office of Petitions, at the phone number on the Notice of Abandonment, and spoke with a Ms. Shirene Willis. Ms. Willis very graciously offered to assist me by looking further into the matter.
8. On or about November 3, 2003, I again spoke with Ms. Willis. Ms. Willis had obtained the application file and told me that a Notice to File Corrected Application Papers was mailed from the Patent Office on or about February 18, 2003. Ms. Willis stated that the Notice was mailed to me, William P. Ramey, at 405 States Street, P.O. Box 318, Millsboro, DE 19966-0318.
9. To date, I have not received the Notice to File Corrected Application Papers. I was unaware that any document was required by the Patent Office to begin examination of the case. In fact, the Request for Status, filed on December 19, 2002, should have been replied to by the Patent Office. Instead, no reply was sent. The first document received from the Patent Office was a Notice of Abandonment in October of 2003, some 18 months after the Patent Office issued a Corrected Filing Receipt indicating that all of the required papers had been submitted. See Exhibit B.
10. Ms. Willis recommended that I file a Petition, under 37 CFR §1.181, stating that the application papers were never received. Applicants hereby comply.

11. There are adequate policies and procedures in place at my office to process the mail. Mail is delivered to a Post Office Box by a U.S. Postal Carrier. An employee at my office collects all the mail from the Post Office Box and takes the mail to the shipping department. Once in the shipping department, the mail is distributed to the Patent Department mailbox. The patent department paralegal then collects the mail from the mailbox and processes it in the patent department. There are adequate policies and procedures at my office to process the mail.

12. The Notice never made it to my office.

11/04/03  
Date

W. P. Ramey, III  
William P. Ramey, III

# Exhibit A

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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/766,043	01/19/2001	Scot R. Shepard	9753-007

20583  
PENNIE AND EDMONDS  
1155 AVENUE OF THE AMERICAS  
NEW YORK, NY 100362711

CONFIRMATION NO. 9618

## FORMALITIES LETTER



\*OC000000005915918\*

Date Mailed: 03/29/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

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NOV 04 2003

PETITIONS OFFICE

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

# Exhibit B

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2323



## UNITED STATES PATENT AND TRADEMARK OFFICE

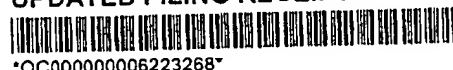
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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/766,043 /	01/19/2001	1632	840	9753-007 /		14	2

CONFIRMATION NO. 9618

20583  
PENNIE AND EDMONDS  
1155 AVENUE OF THE AMERICAS  
NEW YORK, NY 100362711

## UPDATED FILING RECEIPT



\*OC00000000623268\*

Date Mailed: 06/25/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Scot R. Shepard, Clayton, NC;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 03/29/2001

Projected Publication Date: 07/25/2002

Non-Publication Request: No

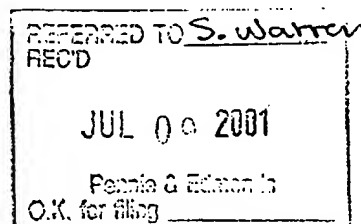
Early Publication Request: No

## Title

Methods and compositions for extracting proteins from cells

Preliminary Class

435



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PETITIONS OFFICE



**LICENSE FOR FOREIGN FILING UNDER  
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Title 37, Code of Federal Regulations, 5.11 & 5.15**

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231



# Exhibit C

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

FAX RECEIVED

SHEPARD, SCOT

NOV 04 2003

Serial Number: 09/766,043

Group Art Unit: 1632

PETITIONS OFFICE

Filed: January 19, 2001

Examiner: To be assigned

For: METHODS AND COMPOSITIONS FOR EXTRACTING PROTEINS FROM CELLS

REQUEST FOR STATUSAssistant Commissioner of Patents  
Washington, D.C. 20231

December 19, 2002

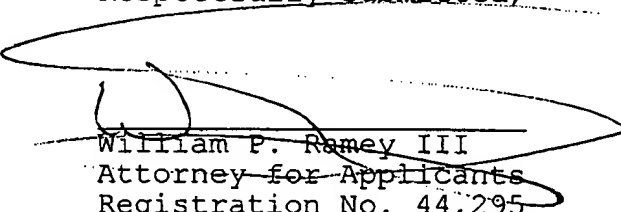
Sir:

The undersigned attorney requests the status of the above-identified application.

This application was filed in the Patent and Trademark Office on January 19, 2001 and to-date no Office Action has been received.

In the event any fees are required with this paper, please charge our Deposit Account No. 02-2334.

Respectfully submitted,

  
William P. Ramey III  
Attorney for Applicants  
Registration No. 44,295

Attorney Docket NO. 2001.690 US

Intervet Inc.  
Patent Department  
405 State Street  
P.O. Box 318  
Millsboro, DE 19966  
Tel: (302) 933-4034  
Fax: (302) 934-4305

Telefax Transmittal  
Cover sheet



Intervet Inc.  
405 State Street  
P.O. Box 318  
Millsboro, DE 19966  
(302) 934-8051

December 19, 2002

3...pages including cover sheet.

PERSON TO:	COMPANY/DEPT TO:	FAX NUMBER:
Examiner	Group Art Unit 1632	703 872 9306

PERSON FROM:	COMPANY/DEPT FROM:	FAX NUMBER:
William P. Ramey III	Intervet, Millsboro Patent Department	302 934 4305

RE: USSN 09/766,043  
Shepard, Scot  
Status Request

FAX RECEIVED  
NOV 04 2003

PETITIONS OFFICE

Please accept the documents that follow in the above-identified application:

Certificate of Transmission  
Status Request

Intervet

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Fax History Report for  
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934 4305  
Dec 19 2002 4:15pm

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**Result:**

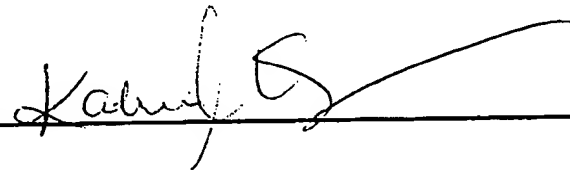
OK - black and white fax  
OK color - color fax

**Certificate of Facsimile Transmission Under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below:

On: December 19, 2002

Signature



Typed or Printed Name KATRINA MEARS

USSN 09/766,043

Attorney Docket Number 2001.690

Status Request (1 page)

FAX RECEIVED

NOV 04 2003

PETITIONS OFFICE

# Exhibit D

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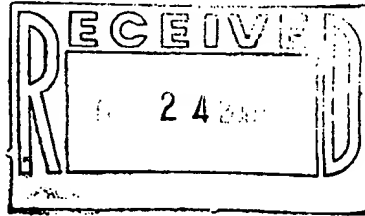


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22304-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 37(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO. TITLE
09/766,043	01/19/2001	Scot R. Shepard	D/2001,690 US PD

William P. Ramey  
Intervet, Inc.  
405 State Street  
P.O. Box 318  
Millsboro, DE 19966-0318



CONFIRMATION NO. 9618  
ABANDONMENT/TERMINATION  
LETTER

\*OC000000011079666\*

Date Mailed: 10/22/2003

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 02/18/2003.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

*Request Woldeyes*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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PETITIONS OFFICE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of:

SHEPARD, SCOT T.

Serial Number: 09/766,043

Group Art Unit: 1632

Filed: January 19, 2001

Examiner: To be assigned

For: METHODS AND COMPOSITIONS FOR EXTRACTING PROTEINS FROM CELLS

**Response to File Corrected Application Papers**

**of February 18, 2003**

Dear Sir:

**I. Introduction**

Applicants hereby submit an Abstract to comply a Notice to File Missing Parts of February 18, 2003. The Notice of February 18, 2003 has not been received by Applicants and this submission is made to comply with the requirement. After entry of the Abstract, the application papers are believed to be in compliance and Applicants respectfully request examination of the application. Please charge any required fees and credit any credits to deposit account 02-2334.

---



## **II. Amendments to the Specification**

Please insert, as a new page, after page, 22, the following:

### **Abstract**

Embodiments of the present invention generally relate to processes for releasing proteins from cells and/or inactivating viruses. Processes of the present invention generally comprise the steps of contacting a host cell containing a protein of interest with a solution comprising an effective amount of a detergent.

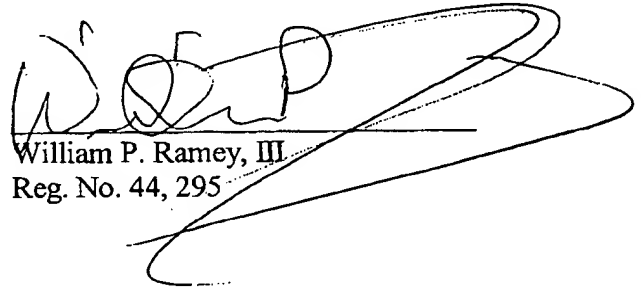
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### III. Remarks and Conclusion

Applicants respectfully request entry of the accompanying Abstract. After entry of the Abstract, the application papers will be in compliance and Applicants respectfully request examination begin.

Further, the application is believed in a condition for allowance and such action is respectfully requested. Should the Examiner feel an interview would expedite the prosecution of the case, the Examiner is invited to contact the undersigned attorney. Please charge any required fees and credit any credits to deposit account 02-2334.

Sincerely,



William P. Ramey, III  
Reg. No. 44, 295

Akzo Nobel Pharma Patent Department  
405 State Street  
P.O. 318  
Millsboro, DE 19966  
302-933-4034 (telephone)  
302-934-4305 (facsimile)